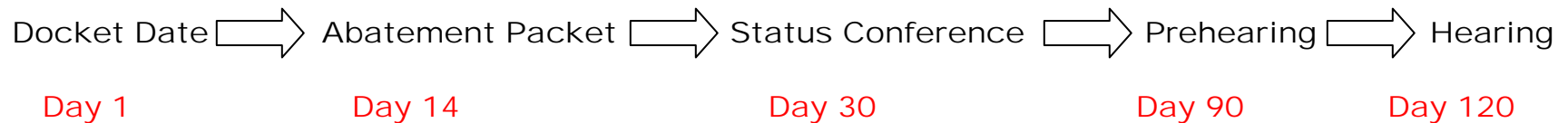




OSH Appeals Board Expedited Abatement Process For Pilot Project



The Criteria

If Serious or Greater (Repeat Serious, Willful Serious, Willful), Abatement has NOT occurred, and Abatement is Appealed OR IF a Party requests Expedited Abatement Process, AND Abatement ALJ grants the motion the Appeal will be expedited.

The Process

1. The Abatement Packet will be sent out within 14 calendar days of the docket date.
2. The Status Conference will be set 30 calendar days from the docket date.
3. The Prehearing Conference will be set 90 calendar days from the docket date.
4. The Hearing will be set 120 calendar days from the docket date.

The Mechanics of the Expedited Process

- If possible, there will be one Abatement ALJ in Northern and one in Southern California.
- The Abatement Packet will be sent overnight and go out within 14 calendar days of docketing.
- The Abatement Packet will contain: a letter explaining the expedited process, a Docket Letter, a copy of the Appeal Forms and Citations, a Standing Discovery Order Compelling Discovery, a Stipulation form, a Status Conference Notice setting the conference 30 calendar days from Appeal Docketing, a Notice of Prehearing Conference setting the Prehearing Conference 60 days from Appeal Docketing, and a Notice of Hearing setting the date of the Hearing 120 days from the Docketing Date.
- Pre-Hearing & Status Conferences will be telephonic – Hearings will be in person.

- The Order Compelling Discovery will provide an opportunity to show good cause why Discovery cannot be completed by the Pre-Hearing.



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The Mechanics (cont.)

- The Order Compelling Discovery will be a Standing Order requiring the parties to produce to the opposing party all newly discovered information as it becomes available.
- The Order Compelling Discovery will require the parties to submit a Discovery Report and recommend that the parties meet and confer prior to the Pre-Hearing.
- The Status Conference will provide an opportunity to validate the need for the Expedited Abatement Process, review the expedited process and report on Discovery activities.
- The Pre-Hearing will follow the current regulation and will define and narrow the issues by requiring the parties to be prepared to stipulate to facts, issues, and the admissibility of evidence. Witnesses will be discussed and narrowed if appropriate, and exhibits will be identified.
- The Hearings will be set for 1 day and adjusted if necessary.
- Cases later identified as presenting abatement issues will be handled by the assigned ALJ and given priority over existing caseload.